

AMENDED IN ASSEMBLY APRIL 21, 2005

AMENDED IN ASSEMBLY APRIL 11, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

## ASSEMBLY BILL

**No. 1073**

**Introduced by Assembly Member Liu**

February 22, 2005

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An act to amend Section ~~52616.17~~ 52616.19 of, to add Sections ~~Section 52617 and 52618~~ to, and to repeal ~~and add Section 52616.16~~ Section 52616.23 of, the Education Code, relating to adult education.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1073, as amended, Liu. Average daily attendance: growth formula.

Existing law authorizes the governing board of a high school district or unified school district to establish and maintain one or more adult schools by resolution of the governing board. Existing law sets forth formulas for the determination of the adult education revenue limit per unit of average daily attendance.

This bill would revise those formulas, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1    ~~SECTION 1.—Section 52616.16 of the Education Code is~~
- 2    ~~repealed.~~
- 3    ~~SEC. 2.—Section 52616.16 is added to the Education Code, to~~
- 4    ~~read:~~

~~52616.16. The adult education revenue limit per unit of average daily attendance shall be determined for a school district as follows:~~

~~(a) Multiply the statewide average adult education revenue limit per unit of average daily attendance for the prior fiscal year by the inflation adjustment used to increase revenue limits for a unified school district pursuant to Section 42238.1.~~

~~(b) Multiply the amount determined pursuant to subdivision (a) by the lesser of the units of adult education average daily attendance claimed for the current fiscal year or the units of funded average daily attendance for the prior fiscal year.~~

~~(c) Subtract the units of funded average daily attendance for the prior fiscal year from the units of average daily attendance claimed for the current fiscal year and multiply the difference by the amount computed pursuant to subdivision (a). If the product is negative, it shall be deemed to be zero.~~

~~(d) The Superintendent shall apportion to a school district the sum of the amounts computed pursuant to subdivisions (b) and (c).~~

~~SEC. 3. Section 52616.17 of the Education Code is amended to read:~~

~~52616.17. (a) Commencing July 1, 1996, a school district shall not certify for apportionment purposes that portion of any average daily attendance in adult education programs generated by pupils who are concurrently enrolled for apportionment purposes in high school that exceeds 10 percent of the average daily attendance for all pupils in grades 9 to 12, inclusive, for the same reporting period.~~

~~(b) It is the intent of the Legislature that, commencing July 1, 1993, a school district that conducted programs in the 1991-92 fiscal year through independent study for pupils 21 years of age or older and pupils 19 years of age or older who have not been continuously enrolled in kindergarten or any of grades 1 to 12, inclusive, since their 18th birthday, as calculated pursuant to Section 46300.1, as that section read on January 1, 1992, continue to serve at least the same number of units of average daily attendance through adult education for high school diploma programs in all subsequent years as were funded through those independent study programs in the 1991-92 fiscal year, unless the school district governing board determines that meeting this~~

1 ~~service requirement would incur costs in excess of the revenue~~  
2 ~~received.~~

3 *SECTION 1. Section 52616.19 of the Education Code is*  
4 *amended to read:*

5 52616.19. (a) Commencing with the 1993-94 fiscal year, and  
6 each fiscal year thereafter, the only funding available for  
7 purposes of Sections 52616, 52616.16, 52616.17, and 52616.18  
8 shall be the following:

9 (1) Funds that would have been apportioned for purposes of  
10 Section 52616, as that section read on June 30, 1993.

11 (2) Funds that would have been apportioned for purposes of  
12 concurrently enrolled average daily attendance pursuant to  
13 Section 42238.5, as that section read on June 30, 1993.

14 (3) Funds that would have been available for purposes of adult  
15 elementary and secondary independent study average daily  
16 attendance pursuant to Section 46300.1, as that section read on  
17 June 30, 1993.

18 (b) In the 1993-94 fiscal year, up to four million two hundred  
19 fifty thousand dollars (\$4,250,000) shall be available for the ~~start~~  
20 ~~up~~ startup of new adult education programs pursuant to Section  
21 52616.18. In the 1994-95 fiscal year, up to eight million five  
22 hundred thousand dollars (\$8,500,000) shall be available for the  
23 startup of new adult education programs and the continuation of  
24 programs started and funded in the 1993-94 fiscal year. Four  
25 million two hundred fifty thousand dollars (\$4,250,000) of that  
26 amount shall only be available for new adult education programs  
27 if there is no deficit applied pursuant to subdivision (c). It is the  
28 intent of the Legislature that, commencing in the 1995-96 fiscal  
29 year, those adult education programs started and funded in the  
30 1993-94 and 1994-95 fiscal years shall continue to be funded.

31 (c) If the funds available pursuant to subdivision (a) are not  
32 sufficient to fully fund Sections 52616, 52616.16, 52616.17, and  
33 52616.18, the Superintendent of Public Instruction shall reduce  
34 the adult education apportionment for each district that received  
35 funding pursuant to Section 52616.16.

36 ~~(d) If the funds available pursuant to subdivision (a) exceed~~  
37 ~~the amount needed to fund Sections 52616, 52616.16, 52616.17,~~  
38 ~~and 52616.18, the Superintendent of Public Instruction shall use~~  
39 ~~any excess funds for the purposes of Section 52616.23.~~

40 *SEC. 2. Section 52616.23 of the Education Code is repealed.*

~~52616.23. The Superintendent of Public Instruction shall develop criteria to identify the programmatic areas of adult education that are in need of expansion. Each district shall be given an opportunity to apply for additional authorized units of adult education average daily attendance to meet any local needs in the identified adult education programs. Any adult education average daily attendance authorized by the superintendent shall result in a new authorized limit of adult education average daily attendance for the districts.~~

~~SEC. 4.~~

SEC. 3. Section 52617 is added to the Education Code, to read:

*52617. (a) Notwithstanding any other provision of law, commencing with the 2005-06 fiscal year, and each fiscal year thereafter, the calculation of authorized average daily attendance for adult education programs shall be determined as follows:*

*For districts that have been notified, based upon a determination by the Superintendent, that they have failed to earn their authorized average daily attendance in each of the two previous fiscal years, those districts shall have their authorized average daily attendance permanently reduced by an amount equal to one half of the lowest level of unearned authorized average daily attendance from the two previous fiscal years.*

*(b) The Superintendent shall permanently redistribute the additional average daily attendance made available pursuant to subdivision (a) in the following priority order:*

*(1) For any school district with fewer than 100 units of authorized average daily attendance in the two prior fiscal years, and if the district served or exceeded its average daily attendance authorized limit in both of the two prior fiscal years, the district shall receive up to 30 additional units of authorized average daily attendance, or a prorated amount if available units are insufficient to provide for this adjustment, up to a maximum of 100 units. If the district failed to serve its average daily attendance authorized limit in either of the two prior fiscal years, the district shall receive no additional authorized average daily attendance.*

*(2) For districts with more than 100 units of authorized average daily attendance and who served average daily*

1 attendance in excess of their authorized level for the prior two  
2 fiscal years. The additional average daily attendance remaining  
3 after allocation pursuant to paragraph (1) shall be redistributed  
4 to these districts on prorated basis, relative to the total  
5 authorized average daily attendance of each district.

6 (3) In no case shall the redistributed authorized average daily  
7 attendance result in total authorized average daily attendance  
8 above the amount provided for in the annual Budget Act.

9 (c) For districts receiving redistributed average daily  
10 attendance pursuant to subdivision (b), the district shall be  
11 required to maintain a level of career-technical education  
12 courses that is equal to the average percentage of average daily  
13 attendance generated by the district in those courses for the prior  
14 three fiscal years without regard to the new units and to use the  
15 redistributed average daily attendance to offer access to or direct  
16 instruction in career-technical education courses.  
17 Career-technical education courses” are those courses in any of  
18 the fifteen career areas defined by the department in the  
19 career-technical education state plan.

20 ~~52617. The Superintendent shall determine the funded growth~~  
21 ~~adult education average daily attendance for a school district by~~  
22 ~~computing the sum of both of the following:~~

23 ~~(a) Subtract the units of funded adult education average daily~~  
24 ~~attendance for the prior fiscal year from the units of funded~~  
25 ~~average daily attendance for the fiscal year preceeding the prior~~  
26 ~~fiscal year. If the amount is negative, it shall be deemed to be~~  
27 ~~zero.~~

28 ~~(b) The funded units of adult education average daily~~  
29 ~~attendance for the prior year multiplied by 1.025.~~

30 ~~SEC. 5. Section 52618 is added to the Education Code, to~~  
31 ~~read:~~

32 ~~52618. If the funds appropriated for purposes of this article~~  
33 ~~are insufficient to fully fund the authorized apportionments, the~~  
34 ~~Superintendent shall reduce the amounts computed pursuant to~~  
35 ~~Section 52616.16 for each school district based on equal amounts~~  
36 ~~per unit of adult education average daily attendance, consistent~~  
37 ~~with the following priorities:~~

38 ~~(a) First priority shall be given to fully funding adult education~~  
39 ~~average daily attendance that is less than or equal to the adult~~

1 ~~education average daily attendance funded in the prior fiscal~~  
2 ~~year.~~

3 ~~(b) Second priority shall be given to fully funding growth~~  
4 ~~adult education average daily attendance determined pursuant to~~  
5 ~~Section 52617.~~

6 ~~(c) Third priority shall be given to funding adult education~~  
7 ~~average daily attendance that exceeds the sum of the adult~~  
8 ~~education average daily attendance specified in subdivisions (a)~~  
9 ~~and (b).~~